

UNIVERSITI TEKNOLOGI MARA

**INVESTIGATION POWER: THE
INEFFECTIVENESS OF POLICE
INVESTIGATION IN MALAYSIA**

MUHAMMAD SABRI BIN MOHD RAZIFF

Dissertation submitted in fulfillment of the
requirements for degree of **Master of Enforcement
Law**

Faculty of Law

January 2018

AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulation of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

Name of Student	:	Muhammad Sabri Bin Mohd Raziff
Student I.D. No.	:	2014101551
Porgramme	:	Master of Enforcement Law
Faculty	:	Faculty of Law
Dissertation Title	:	Investigation Power : Ineffectiveness Police Investigation of Malaysia
Signature of Student	:
Date	:	January 2018

ABSTRACT

This research concerned on the Criminal Procedure Code. The right of investigating officer to complete the investigation paper. Many investigation officer been keen accused wrongly because the investigation paper cannot be refered to the Deputy Public Prosecutor in stipulated time. Many complaint concern corruptions, not having integrity and being lazy. This accusation can make any of investigating officer's morale to come down because of negative thoughts of certain people who do not know the procedure which has to followed by the investigating officer. This show failure of government to help investigating officer to complete the investigation paper. New amendment of the law is necessary and government must introduce the new law for the purpose enabling the investigating officer to complete investigation paper within stipulate a time without fail.

TABLE OF CONTENTS

	Page
AUTHOR'S DECLARATION	ii
ABSTRACT	iii
ACKNOWLEDGEMENT	iv
TABLE OF CONTENTS	v
LIST OF TABLES/CHART	viii
LIST OF ABBREVIATION/NOMENCLATURE	ix
CHAPTER ONE : INTRODUCTION	1
1.0 Research Background	1
1.1 Problem Statement	4
1.2 Research Question	4
1.3 Research Objective	5
1.4 Literature Review	5
1.4.1 Introduction	5
1.4.2 Conceptual	7
1.5 Research Methodology	13
1.6 Significant Contribution	13
1.7 Scope and Limitation of Study	14
CHAPTER TWO : MALAYSIA'S INVESTIGATION POWER UNDER CRIMINAL LAW	15
2.0 Introduction	15
2.1 Objective	16
2.2 Criminal Procedure Code (Act 593)	16
2.3 Penal Code (Act 574)	17
2.3.1 Actus Reus	18
2.3.2 Mens Rea	19
2.4 Procedure In Investigation In Cooperation of Witness	20

2.4.1	Section 13 of The Criminal Procedure Code (Act 593)	20
2.4.2	Section 51 of The Criminal Procedure Code (Act 593)	21
2.4.3	Section 111 of The Criminal Procedure Code (Act 593)	22
2.4.4	Section 112 of The Criminal Procedure Code (Act 593)	24
 CHAPTER THREE : CHALLENGES IN INVESTIGATION OF WITNESSES		 27
3.0	Introduction	27
3.1	Section 13 of The Criminal Procedure Code (Act 593)	27
3.2	Section 51 of The Criminal Procedure Code (Act 593)	29
3.3	Section 111 of The Criminal Procedure Code (Act 593)	29
3.4	Section 112 of The Criminal Procedure Code (Act 593)	32
 CHAPTER FOUR : COMPARISON WITH OTHER LAWS IN MALAYSIA AND OTHER COUNTRIES		 34
4.0	Introduction	34
4.1	Other Laws In Malaysia	34
4.1.1	Malaysian Anti-Corruption Commission (MACC) Act 2008	34
4.1.2	Enforcement Agency Integrity Commission (EAIC) Act 2009	38
4.2	Laws In Other Countries	41
4.2.1	England	41
4.2.1.1	Police And Criminal Evidence 1984 (PACE)	42
4.2.2	United State of America	45
4.2.2.1	United States Code (USC)	45
4.2.2.2	United State of America Patriot Act 2011 (USAPA)	47
4.2.3	Australia	48